

first programs focusing on Alzheimers-Respite Care, Adult Day Health care and the Multipurpose Senior Services Programs. He founded the Senior Legislature and passed legislation to combat elder abuse. In the 20 years that Senator Mello has served in the legislature, he has authored more than 120 bills on aging and long-term care that have become law of the land in California.

Senator Mello's commitment to our senior citizens, and indeed to all citizens, was particularly impressive when their need was greatest, after the Loma Prieta earthquake of 1989. Senator Mello's work was key in maintaining vital lines of communication and in ensuring that our area received millions of dollars to aid in the region's rebuilding. I am certain that had it not been for Senator Mello's initiative and hard work our area's recovery would have been far less easy. Helping the area recuperate from the earthquake was just one of many highlights in his distinguished legislative career.

For many years to come, tangible evidence of Senator Mello's labors will be obvious to all California residents, especially his interest in education and the arts. During his tenure as chairman of the Fort Ord Task Force, Senator Mello helped establish the California State University at Monterey Bay, the University of California, Santa Cruz research center at Fort Ord and authored the legislation creating the Fort Ord Reuse Authority. Senator Mello also acquired essential funding for Santa Cruz County libraries preventing their closure and, in perhaps the greatest tribute to his work, was honored in 1994 with the naming of the Henry J. Mello Center for Performing Arts in Watsonville. One could literally fill books with Senator Mello's many other wonderful accomplishments.

As he retires this year because of State term-limits, one thing is positively certain: Senator Mello will be sorely missed. For my part, I will miss working with a member of the Democratic team who has so successfully governed the Central Coast for more than a generation. As for the people of his district, they will no doubt miss something much more profound. In the Senator, they will miss a man who has lived his life to serve, who has led with levels of compassion and commitment not normally found in our public servants these days. But then again, Senator Mello has been no ordinary public servant.

#### TRIBUTE TO AMATO L. BERARDI

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. BORSKI. Mr. Speaker, I rise today in recognition of my close personal friend Amato L. Berardi, who will have the title "Cavaliere dell'Ordine al merito della Repubblica Italiana" bestowed upon him on March 17, 1996.

Amato L. Berardi was born on October 14, 1958 in Longano, a province of Isbernia, Italy. His parents, Carmine Berardi and Carmela Ditri, were married in Italy where they had four sons. In 1970 they emigrated to the United States.

Upon arriving in Philadelphia, Amato attended Mater Dolorosa grade school, followed by North East Catholic High School. In 1975,

while still in high school, he and his brothers owned and operated a restaurant in Philadelphia. Amato graduated from high school in 1978, and then went on to attend Philadelphia College of Textiles and Business for 2 years. During Amato's 2-year tenure, he majored in business management.

On January 4, 1983, Amato joined New York Life where he became the No. 1 agent in his class in 1983. He became the Executive Council agent in 1986, achieved Presidents Council status in 1987, and Chairman's Council in 1993. Mr. Berardi gained membership in the Million Dollar Round Table, and has received the National Quality and National Sales Achievement awards.

Amato has also been recognized for his service to his community. He has received the Italian-American Knights Legion's Knight of Goodness Award, and has been honored with a Humanitarian Citation from the City Council of Philadelphia and the State Senate of Pennsylvania. Amato is also president of the National Italian American Political Action Committee and the Federation of Italian American Businesses. He is also actively involved in numerous social organizations, including the Overbrook Italo-American Democratic Club, the Sons of Italy, the Columbus Association of America, and the American Heart Association.

Today, Amato resides in Huntington Valley with his wife of 13 years, Maddalena Caranci, and their two children Carmelina and Carmine.

Mr. Speaker, I join Amato Berardi's family and friends in congratulating him for a lifetime of hard work and devotion to the Italian-American community and congregation.

#### TRIBUTE TO MELVIN EGGERT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. LIPINSKI. Mr. Speaker, I rise today to express my sympathy to the family and many friends of Melvin Eggert, the former mayor of Countryside, IL, a community in my district.

Mr. Eggert was a true pioneer in the community, which was incorporated in 1959. From 1960 to 1963, he served on the city council and then was Countryside's mayor from 1963 to 1967. He helped guide the city through its infancy, providing the foundation for its growth into one of the most prosperous suburbs in the Chicago area. He was also a successful restaurant owner in the area.

Mr. Speaker, I extend my condolences to Mr. Eggert's wife, Martha, and his entire family and his many friends on his passing.

#### THE PATIENT RIGHT TO KNOW ACT OF 1996

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. GANSKE. Mr. Speaker, I am pleased to join with my colleague from Massachusetts, [Mr. MARKEY] and numerous original cosponsors in introducing legislation to ensure that doctors remain free to provide critical health care information to patients.

There is nothing more central to the doctor-patient relationship than trust. Patients and their families rely on doctors to fully inform them about the course of a disease and the various ways it can be treated. They deserve to know the risks and benefits, the costs, and the chances of success of the treatments that will be inflicted on their own bodies or their loved ones. And they don't want information withheld because of an insurance company restriction.

Unfortunately, that essential doctor-patient trust is being undermined by some health plans that attempt to limit the content of discussions between patients and providers. Physicians are increasingly being offered contracts by insurance companies that contain restrictive clauses preventing the physician from using sound medical judgment and undermine the essential notion of informed consent.

Sometimes, these contracts explicitly seek to limit the information a doctor can provide to a patient, preventing doctors from discussing proposed treatments until the plan has agreed to pay for it. How can we expect patients to make informed decisions about their own health if doctors can only inform them of options that the plan is willing to pay for?

Other plans achieve the same result more subtly. Some place a general disparagement clause in their contracts, forbidding providers from saying anything that might undermine patient confidence in the plan. The danger of this clause is very real. Patients rely on their physician to tell them which doctors or hospitals are better than others. But in plans with general disparagement clauses, a doctor could not tell a patient that 7 of the last 11 patients he referred to the plan's heart surgeon have died. That is precisely the sort of information doctors should give to patients and is precisely the kind of communication that general disparagement clauses prevent.

Sometimes, contracts contain no explicit restrictions on communications between doctors and patients, but physicians can still find the content of their medical advice restricted. A former neurologist from a large HMO indicated that "I was told it was a mistake to tell the patient about a procedure before checking to see whether it was covered." Whether explicit in a contract or communicated to doctors orally, such restrictions on communication deny patients access to critical information and make a farce out of the notion of informed consent.

Today, because of market concentration, for a physician to buck a "gag clause" and be terminated from one of two dominant HMO's in a community, may mean whether that physician stays in practice. There is genuine fear among providers that if they act too often or too vigorously as a patient advocate, their contract won't be renewed. Under these circumstances, it takes a hero to be a patient advocate. And as we know far too well, heroes are rare.

This legislation is a balanced approach to a growing problem. While I understand the importance of the free market, Congress must protect patients who are unaware that some doctors are no longer able to communicate their best judgment. These restrictions are unethical. They violate the Hippocratic Oath. They undermine the quality of care. And, as far as I'm concerned, they have no place in the health care market.

I hope that my colleagues on both sides of the aisle will see the importance of this issue

and help us enact the Patient Right to Know Act.

# INTRODUCTION OF THE PATIENT RIGHT TO KNOW ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. MARKEY. Mr. Speaker, I am pleased to join Dr. GANSKE today in introducing the Patient Right to Know Act of 1996.

When I was a boy, my mother told me, "if you don't have anything nice to say, don't say anything at all." Now when my mother said that, she was not talking about protecting the feelings of health plans. She was talking about people, who sometimes, unfortunately, become patients. So she would be quite surprised to see this dangerous twist on her advice in some of the contracts between doctors and health plans we see today. Today, to protect the feelings of health plans, doctors are being asked to restrict what they say to their patients. This is wrong, just plain wrong. No doctor can practice good medicine in a muzzle.

The fact is, when you're a patient, what you don't know can hurt you. That's why Congressman GANSKE and I are introducing the Patient Right to Know Act. The Patient Right to Know Act will prohibit health plans from restricting communications between doctors and their patients about treatment options, their benefits and risks, and other issues related to quality of care. It will ensure that doctors are allowed to tell their patients why a plan decides to pay for, or deny, a treatment. Finally, it will bar plans from restricting doctors from talking to their patients about financial arrangements they have with the plans which might affect those patients' access to care.

The impetus for our bill was the increasingly frequent reports of health plans trying to keep doctors from talking freely to their patients about their health care needs, or forcing doctors to sign contracts that include clauses restricting doctor-patient communications. I was deeply disturbed by these reports, because I am a great believer in the principle of informed consent and restrictions on communications between doctors and their patients make informed consent impossible. Attacks on informed consent—which is the most basic patient protection—simply cannot be tolerated in our society.

I have worked on consumer protection issues for a lot of years now, and I look at it this way: Patients are really just consumers of health care. Like any other kind of consumer, patients need complete and accurate information about the products or services available if they're going to make good decisions about the health care they consume. The only difference is, we are not talking about toasters or washing machines here, we are talking about people's health and lives.

Now Dr. GANSKE here has an advantage, because while I was at law school, learning about the rule against perpetuities, he was in med school, learning how to make sick people well. So when Dr. GANSKE is feeling a little under the weather, and he goes to see his family doctor, he's on a pretty level playing field. He knows what questions to ask. He's

probably already read about the latest treatment for whatever it is that ails him.

But the ordinary Joe is at a disadvantage. He does not get the New England Journal of Medicine at home. He places enormous trust in his doctor, and depends on his doctor to tell it to him straight. When a health plan tries to control or censor communications between its doctors and their patients, that critical bond of trust is broken.

Silence isn't always golden. Although he who has the gold sometimes tries to demand silence—the fact is, in today's world, knowledge and information are the coins of the realm. Nowhere is this truer than in the realm of health care.

Hippocrates said "Health is the greatest of human blessings." Surely, it is the most precious although many of us do not realize this until we ourselves or someone we love becomes seriously ill. Then, we would give away anything we have—all of our worldly treasures—to make them well again. At that moment, our greatest ally is our doctor, and our most valuable asset is the information he can give us. That is why passing the Patient Right to Know Act is so important.

## IN HONOR OF AFRICAN-AMERICAN WOMEN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. FROST. Mr. Speaker, in honor of this year's theme of African-American women, I wish to recognize the passing of former Congresswoman Barbara Jordan, one of Texas' greatest political figures. She died at the age of 59 from pneumonia, one of the many illnesses which she suffered from in the last years of her life. But the life that she led was extraordinary, and she left a mark that few will ever match, and that none will ever forget.

Mr. Speaker, Congresswoman Jordan distinguished herself from an early age. With her family's encouragement she worked hard to rise above the poverty of her childhood in Houston. She graduated magna cum laude from Texas Southern University. It was there that she first displayed her powerful oratorical skills as a member of the debate team. In 1959 she received her law degree from Boston University.

Mr. Speaker, Barbara Jordan made history by setting a number of firsts. She was the first black State Senator in Texas history, elected in 1966. In 1972 she was accorded the high honor of being elected president pro tempore of the Texas Senate, another first for an African-American. Eight years later she recorded another first, becoming the first black from Texas to be elected to Congress. Although she only served for 6 years in the House of Representatives, her impact was monumental.

It was as a freshman Congresswoman, Mr. Speaker, that the Nation first came to know Barbara Jordan. As a member of the House Judiciary Committee she made one of the defining speeches of the Richard Nixon impeachment hearings. Rising above the political rhetoric, she told the world, "My faith in the Constitution is whole, it is complete, it is total, and I am not going to sit here and be an idle spectator to the diminution, the subversion, the de-

struction of the Constitution." Indeed, her statements reminded America of what was truly great about this country.

On a more personal note, Mr. Speaker, Barbara Jordan served as one of my earliest political role models. I had a chance to see Congresswoman Jordan speak at the 1976 Democratic National Convention. Like everyone else that heard her speech I was moved not only by her eloquence, but by her definition of public service. "More is required of public officials than slogans and handshakes and press releases," she said. "We must hold ourselves strictly accountable. We must provide the people with a vision of the future." These words continue to guide and inspire me 20 years later.

I wish in the coming days that all Texans would join me in reflecting upon the legacy of Barbara Jordan. She stood for honesty, integrity, and an unswerving commitment to the principles on which this country was founded. Her legacy will endure as we continue to honor these ideals.

## PHILADELPHIA GAY NEWS CELEBRATES 20 YEARS OF SERVICE TO COMMUNITY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 27, 1996*

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize the 20 year anniversary of publishing for the Philadelphia Gay News, one of the oldest newspapers serving the gay and lesbian community in America.

I met a young activist named Mark Segal when I was a Republican member of the Philadelphia City Council many years ago. When Mark started the newspaper in 1975, he was a pioneer. In 1975, very few communities had any means for gays and lesbians to know about what was going on in terms of politics, government, health or social events. They had to depend on leaflets and word of mouth. Through the energy of people like Mark Segal throughout the country, that has changed. Lesbian and gay journalism helped that community become more cohesive, politically aware and active. Indeed, trailblazers like Mark Segal helped put the community in the gay and lesbian community. Now, Mark is respected as an elder statesman in gay and lesbian independent journalism in America, though he is anything but an elder. Nationally, Mark was deeply involved in the establishment of gay and lesbian journalists' and publishers' organizations, as well as putting some of their newspapers onto the internet.

Through credible and independent journalism, the Philadelphia Gay News promoted pride in gay and lesbian self identity and educated the community about violence and HIV, AIDS, and other health concerns. The paper helped promote empowerment by giving an advertising avenue for burgeoning gay and lesbian business interests. It gave force to gays and lesbians in Philadelphia government and politics.

I congratulate Mark Segal, his partner Tony Lombardo, who acts as the paper's business manager, and the paper's editor Al Patrick for their commitment to adding to the vitality and diversity of the Greater Philadelphia community.